

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

Rafael Alejandro Avila-Pena

A205 077 179

United States District Court
Southern District of Texas
FILED

FEB 03 2015

CRIMINAL COMPLAINT

Case Number: M-15-0172 -M

IAE YOB: 1989

the United Mexican States

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about February 2, 2015 in Starr County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to the United Mexican States in pursuance of law, and thereafter was found near Rio Grande City, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Rafael Alejandro Avila-Pena was encountered by Border Patrol Agents near Rio Grande City, Texas on February 02, 2015. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on February 02, 2015, near Rio Grande City, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States for the on April 26, 2012, through Brownsville, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On April 12, 2012, the defendant was convicted of Possession with Intent to Distribute a Controlled Substance and sentenced to thirty (30) days confinement and thirty-six (36) months probation.

Continued on the attached sheet and made a part of this complaint:

Approved
[Signature]

Sworn to before me and subscribed in my presence,

February 3, 2015

Dorina Ramos, U.S. Magistrate Judge
Name and Title of Judicial Officer

☐ Yes ☒ No

[Signature]
Signature of Complainant

Michael Chandler Senior Patrol Agent

[Signature]
Signature of Judicial Officer